IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5189 of 2007()

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CRIME NO. 472 OF 2007 OF CHENGANNUR POLICE STATION

PETITIONER/ACCUSED

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SREEKUMAR.G, S/O GOPINATHAN NAIR,
PLLAPPILLIL HOUSE, KUTTOS VILLA,
CHENGANNUR TALUK, CHENGANNUR VILLAGE.

BY ADV. SRI.G.BENO

RESPONDENTS: STATE

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION.

3. SUB INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 5189 of 2007

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Dated this the 18th day of September, 2007

**O R D E R**

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations for offences punishable, inter alia, under Sections 498A and 326 I.P.C. The petitioner and the defacto complainant have been living together as husband and wife, though there is a contention that there is no legal marriage between them. Without any dispute, they held themselves out to be spouses and children were born in such relationship. There is strain in the matrimony. On 9.7.2007 the petitioner is alleged to have attacked the defacto complainant, his wife, with a dangerous weapon. She is alleged to have suffered fracture in such attack. Significantly no complaint whatsoever is made to anyone till 17.8.2007. She goes to a doctor also only thereafter. It is also interesting to note that on 13.8.2007 an application for police protection was filed by the petitioner apprehending harm to his person from the defacto complainant and her relatives. It is also not disputed that after 9.7.2007, the date of the occurrence, on the

complaint of the petitioner Crime No.447 of 2007 was registered against the defacto complainant. It is thereafter that the belated complaint is filed against the petitioner on 17.7.07, which has been registered as the present Crime No. 472 of 2007. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail, in the circumstances explained above. In the absence of opposition, it is not necessary for me to advert to facts in any greater detail.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 25.9.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 26.9.07, and 27.9.2007 and 21.9.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 25.9.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 25.9.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 25.9.2007.

**(R. BASANT)**
Judge

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